

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Clerk, U.S. District Court
Southern District of Texas
FILED

APR 21 2017

David J. Bradley, Clerk of Court

United States of America

v.

Gerardo GARCIA, Jr.

Case No.

C-17-416M

Amended per Court

Order at DE #3

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 20, 2017 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 U.S.C. § 841(a)(1)

Offense Description

Knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance in Schedule II of the Controlled Substance Act of 1970, to wit; 1.65 kilograms of cocaine, approximate gross weight.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Complainant's signature

Stacey Slater, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

April 21, 2017

City and state:

Corpus Christi, Texas

Judge's signature

Jason B. Libby, US Magistrate Judge

Printed name and title

GARCIA, Gerardo

ATTACHMENT "A"

On April 20, 2017, Border Patrol Agent (BPA) Edgar Alvarez, was working assigned checkpoint duties at the United States Border Patrol Checkpoint south of Falfurrias, Texas. At approximately 01:30 A.M., a Crusero USA Bus approached the primary lane for an immigration inspection of its occupants. The bus was then referred to secondary for further inspection of its occupants and under luggage compartment.

As BPA Alvarez was inspecting Gerardo GARCIA and his documents, which consisted of a U.S. Birth Certificate and a Social Security card, BPA Alvarez noticed GARCIA was very nervous and very talkative. GARCIA asked if BPA Alvarez wanted to check his luggage and BPA Alvarez proceeded to check GARCIA's bag that was in the seat next to GARCIA.

As BPA Alvarez was checking GARCIA's bag, GARCIA appeared very nervous and appeared to be covering his pants with a construction helmet and a safety vest. BPA Alvarez then proceeded to ask GARCIA where he was going. GARCIA replied that he was going to work in Dallas, Texas. BPA Alvarez was suspicious when GARCIA said he worked for a demolition company but had no form of driver license or identification.

After a brief moment, BPA Alvarez decided to bring GARCIA off of the bus to further inspect GARCIA and his documents. BPA Alvarez asked GARCIA if he could search GARCIA's pants for any weapons for both GARCIA's and BPA Alvarez's own safety, and GARCIA picked up his hands so BPA Alvarez could proceed to search him. BPA Alvarez then asked GARCIA what GARCIA had in his groin area that felt like squares. GARCIA responded that it was cocaine.

GARCIA was then taken inside the Falfurrias Checkpoint for a more thorough search of his person. BPA Alvarez then removed the bundles that were taped to GARCIA's groin area. Two bundles were removed from GARCIA, each weighing 802.03 grams and 848.15 grams. A field-test was conducted on one bundle and it tested positive for the presence of cocaine. The total weight of the cocaine weighed 1.65 kilograms.

BPA Alvarez read GARCIA his rights in his preferred language of English. BPA Jacob Eggimann witnessed the reading of the rights. GARCIA signed accordingly and stated that he understood his rights and he was willing to make a statement. GARCIA then freely stated that he was travelling to Dallas, Texas to deliver the cocaine at an unknown destination. According to GARCIA, the cocaine was given to him by a subject by the name of Juan with a payment for transporting of \$2,000.00 worth of cocaine for himself.

Assistant United States Attorney Michael Hess accepted the federal prosecution of Gerardo GARCIA.

The amount of cocaine, 1.65 kilograms, approximate gross weight, infers the intent to distribute.